



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY  
WET #SC2003-0002**

March 5, 2003

Meadow Pond Farm Corporation  
Attn: Peter Olney  
PO Box 157  
11 Water Street  
Exeter, NH 03833

**RE: Wetlands Bureau Complaint File #2002-2353, Olney, Vrylena's Way, Hampton Tax Map 209 / Lot 12.**

Dear Mr. Olney:

In the fall of 2001, personnel from the Department of Environmental Services ("DES"), conducted an inspection, along with Joe Freeman, logger, Kevin Shultz, Hampton Building Inspector, and Vivianne Marcotte, Hampton Conservation Commission, of the above referenced property, more specifically referenced on the Town of Hampton Tax Map 209 as Lot 12 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A, the New Hampshire Wetlands Law.

DES personnel determined that filling and/or disturbing the substrate of approximately 2.9 acres of wetlands by logging activities and approximately 740 sq. ft. of wetland impact to construct a driveway to access your property.

A permit is required from the DES Wetlands Bureau before doing any work in a jurisdictional area, in this case, a wetland. Therefore, DES requests that you take the following action:

1. Retain a qualified wetland consultant to generate a plan which depicts existing conditions showing the topography of the property, and quantifies by field survey the current extent of disturbance in jurisdictional wetlands, and a restoration plan, as described below.
2. Submit both the existing conditions plan, and a restoration plan no later than April 25, 2003 for review and approval including:
  - a. A plan with dimensions for the restoration of approximately 2.9 acres of unpermitted disturbance in wetlands and regrading the disturbed areas to original contours;
  - b. Planting plan (wetland seed mix) for the stabilization of the removal areas;
  - c. Equipment and methods of erosion control (silt fence, hay bales, etc.);
  - d. Construction sequence and timetable for accomplishing remediation no later than August 25, 2003.

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3. Apply after-the-fact to retain approximately 740 sq. ft. of wetland impact to construct a driveway to access your property. Standard Dredge and Fill application is enclosed.
4. Retain a qualified wetland consultant to supervise and execute the requests of this letter.
5. Execute the restoration plan immediately upon receipt of the restoration plan approval from the DES Wetlands Bureau.

Please note that according to DES rule Wt 303.05, you do not need a permit for mowing or cutting vegetation in a wetland provided that the roots of the vegetation are not disturbed, and that the ground is frozen or sufficiently dry to avoid making ruts and that the area is stabilized once thawed.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging or filling in and adjacent to wetlands or surface waters, an individual is required to obtain a permit from the Wetlands Bureau. If work is done without a permit from the Wetlands Bureau, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows

David Price, Enforcement Investigator  
Wetlands Bureau  
Department of Environmental Services  
360 Corporate Drive  
Suite 2  
Portsmouth, NH 03801

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**March 5 2003**

We apologize for the delay in sending this letter to you. Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 433-6183.

Sincerely,

 **COPY**

Dori Wiggin  
Coastal Supervisor  
DES Wetlands Bureau

DAW/dap

CERTIFIED MAIL #7002 2410 0001 6279 0980

cc: Rene Pelletier, Manager, Land Resources Management Program  
Mark Harbaugh, DES Legal Unit  
Joe Freeman, logger  
Kevin Shultz, Hampton Building Inspector  
Vivianne Marcotte, Hampton Conservation Commission